

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

# ALEXANDRIA LONGORIA AND AMBROSIO LONGORIA

5:22-CV-00021

Plaintiffs,

## CIVIL ACTION

V.

## ENCOMPASS INDEMNITY COMPANY

## Defendant

## JURY DEMANDED

## NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Encompass Indemnity Company (“Encompass”) files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

## *Procedural Background*

1. On November 24, 2021, Plaintiffs filed Plaintiffs' Original Petition in the matter styled *Alexandria Longoria and Ambrosio Longoria v. Encompass Indemnity Company*, Cause No. 2021CI24392, in the 131<sup>st</sup> Judicial District Court, Bexar County, Texas. Encompass received the citation and petition on December 21, 2021. Defendant Encompass now files this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b).

2. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Bexar County Clerk's file for this case is attached as Exhibit "B", which includes true and correct copies of all executed process, pleadings and orders. Attached hereto as Exhibit "C" is the Designation of Counsel.

*Basis for Removal*

3. Removal is proper under 28 U.S.C. §1332(a)(1) in that there is complete diversity of citizenship.

4. Plaintiffs are, and were at the time the lawsuit was filed, a citizen of the State of Texas. *See Plaintiffs' Original Petition.*

5. Defendant Encompass is a corporation or other business entity incorporated under the law of the State of Illinois, and with its principal place of business located at 275 Sanders Road, Suite C1, Northbrook, IL 60062. For the purposes of diversity, a corporation is a citizen of both the state where it is incorporate and the state where it has its principal place of business. See 28 U.S.C. § 1332(c)(1). As such, Encompass it is a citizen of Illinois.

6. The amount alleged to be in controversy exceeds \$75,000. Plaintiffs' Original Petition states that Plaintiffs seek "monetary relief of \$250,000 or less", which necessarily includes amounts greater than \$75,000. *See Plaintiffs' Original Petition*, at ¶5. This evidence clearly demonstrates that the amount in controversy in this case exceeds the amount required to support federal jurisdiction.

*The Removal is Procedurally Correct*

7. Encompass was first served with the petition on December 21, 2021. Encompass now files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

8. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claim allegedly occurred in this district.

9. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

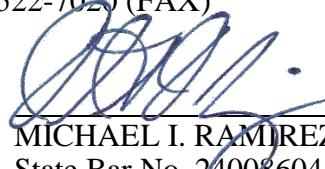
10. Pursuant to 28 U.S.C. §1446(d), promptly after ASI Lloyds files this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.

11. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Bexar County, promptly after ASI Lloyds files this Notice.

Respectfully submitted,

**McCOY LEAVITT LASKEY LLC**  
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**ATTORNEYS FOR DEFENDANT  
ENCOMPASS INDEMNITY COMPANY**

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served in accordance with the Federal Rules of Civil Procedure on this 11th day of January, 2022, to:

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